

Appl. No. : 09/916,858
Filed : July 27, 2001

REMARKS

Claims 2-10, 12-23, and 44-59 are pending in this application. Claims 1, 11, and 24-43 have been canceled. Claims 2, 12, 13, 15, 17-20, and 22 have been amended. New Claims 44-59 have been added. Support for the amendments and new claims is found in the specification and claims as filed.

Filing Date of Pending Claims

Applicants respectfully acknowledge the conclusion that Claims 1-3, 7-12, 15-17, 20, 22, 23, and 25-34 find support in the parent applications 09/447,227 and 08/811,473, and are therefore entitled to the filing date of March 4, 1997.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication of allowability with respect to Claims 13, 14, 20, and 21 if rewritten in independent form to include all limitations of the base claim and any intervening claims, and if the double patenting rejections are overcome. Applicants have redrafted Claims 13 and 20 into independent form.

Obviousness-Type Double Patenting Rejections

Claims 1-23, 25-43, 42, and 43 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 33-42, 48, 49, and 54-87 of copending Application No. 09/447,227. Claims 1-23, 25-43, 42, and 43 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-320 of Patent No. 6,741,877.

The Applicants herewith submit terminal disclaimers over Application No. 09/447,227 and Patent No. 6,741,877 to overcome these rejections.

Claim Rejection - 35 U.S.C. §103(a)

Claims 1-12, 18, 19, 22, 23, 25-34, 42, and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhodes et al. (WO92/13271) in view of Picha (U.S. 5,706,807). Although Applicants do not agree with the propriety of the rejection, Claims 1, 11, 25-34, 42, and 43 have been canceled without prejudice, solely to facilitate issuance of the claims

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indicated to be allowable. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. Claims 2, 12, 18, 19, and 22 have been amended to depend from allowable Claim 13. Claims 3-10 depend from Claim 2. Claim 23 depends from Claim 22. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhodes et al. in view of Picha, as applied to Claims 1-12, 18, 19, 22, 23, 25-34, 42, and 43, and further in view of Van Antwerp et al. (U.S. 6,011,984). Although Applicants do not agree with the propriety of the rejection, Claim 15 been amended to depend from allowable Claim 13, solely to facilitate issuance of the claims indicated to be allowable. Claim 16 depends from Claim 15. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhodes et al. in view of Picha, as applied to Claims 1-12, 18, 19, 22, 23, 25-34, 42, and 43, and further in view of Blubaugh Jr. et al. (U.S. 5,964,993). Although Applicants do not agree with the propriety of the rejection, Claim 15 been amended to depend from allowable Claim 13, solely to facilitate issuance of the claims indicated to be allowable. Claim 16 depends from Claim 15. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claims 35-41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhodes et al. in view of Picha, as applied to Claims 1-12, 18, 19, 22, 23, 25-34, 42, and 43, and further in view of Cerami (U.S. 4,436,094). Although Applicants do not agree with the propriety of the rejection, Claims 35-41 been canceled, solely to facilitate issuance of the claims indicated to be allowable. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

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Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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Dated: Oct. 8, 2004

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